

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JUVENAL HERRERA
TX-1333094-R

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DOCKETED COMPLAINT NO. 10-120

AGREED FINAL ORDER

On this the 12 day of Feb, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Juvenal Herrera (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Juvenal Herrera neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent, Juvenal Herrera, is a state certified residential real estate appraiser, holds certification number TX-1333094-R, and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about August 15th, 2008, Respondent entered into an agreed order to resolve complaint #08-118.
4. Respondent was required as part of the order to complete certain remedial education. Respondent has failed to comply with the remedial education requirement of the agreed final order in complaint #08-118.
5. Thereafter a complaint was filed incident to Respondent's failure to comply with these terms of the agreed final order in complaint #08-118.
6. On or about December 23rd, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was

afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535.

2. Respondent has violated 22 TEX. ADMIN. CODE § 153.20(a)(21) by failing to comply with a final order of the board.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Pay an administrative penalty of \$250.00; and,
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **SIX MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

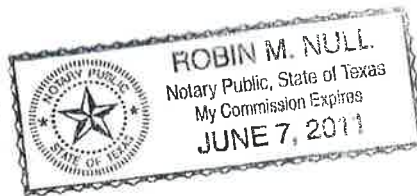
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 27 day of January, 2010.


JUVENAL HERRERA

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 27 day of January, 2010, by JUVENAL HERRERA, to certify which, witness my hand and official seal.


Notary Public Signature




Robin Null
Notary Public's Printed Name

Signed by the Commissioner this 12 day of Feb, 2010.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12 day of Feb, 2010.


Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board